REMARKS/ARGUMENTS

Claims 1-15 are currently pending. Applicants have amended claims 1, 5, 9, and 12. No new matter has been added as a result of these amendments.

Claims 1-15 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Claims 1-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over ATM Forum, AF-VMOA-0145.000, "Voice and Multimedia Over ATM - Loop Emulation Service Using AAL2", July 2000 (hereinafter "VMOA") in view of Thomann (U.S. Patent No. 6,081,528).

Reconsideration in view of the foregoing amendments and following remarks is respectfully requested.

Rejections under 35 U.S.C. §112

Claims 1-15 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Office Action alleges that independent claims 1, 5, 9, and 12 recite that a subset of octets has a validity field while the Specification discloses that each octet has a validity field.

Applicants have amended claims 1, 5, 9, and 12 to further clarify the claim language. For example, claim 1 has been amended to recite that "each ATM cell [has] a payload, the payload having a plurality of octets and corresponding validity fields, each validity field being associated with one octet of the plurality of octets" and that "the control logic is configured to *set the validity fields associated with a first subset of the octets* of the payload of each of the one or more ATM cells to a valid status to indicate that data is contained in the first subset of octets" and that "the control logic is further configured to *set the validity fields associated with a second subset of the octets* of the payload of each of the one or more ATM cells to an invalid status to indicate that no data is contained in the second subset of octets." Therefore, Applicants submit that the amended language of claim 1 clearly indicates that a single validity field is not associated with multiple octets of data. Claims 5, 9, and 12 have been similarly amended.

For at least the reasons provided, independent claims 1, 5, 9, and 12 comply with the written description requirement. Furthermore claims 2-4, which depend from claim 1, claims 6-9, which depend from claim 5, claims 10-11, which depend from claim 9, and claims 13-16, which depend from claim 12, should also be in condition for allowance at least due to their dependence from claims 1, 5, 9 and 12, respectively.

Accordingly, withdrawal of the rejection of claims 1-15 under 35 U.S.C. 112, first paragraph, be withdrawn.

Rejections under 35 U.S.C. §103

Claims 1-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over VMOA in view of Thomann.

Solely in order to expedite prosecution, and without conceding to the merits of the rejection of the claims as previously presented, Applicants have amended independent claims 1, 5, 9, and 12, and Applicants submit that even if VMOA and Thomann could be combined as suggested in the Office Action, the combination would still fail to teach all of the features recited in independent claims 1, 5, 9, and 12. For example, claim 1 recites, in part:

> control logic configured to format the channelized circuit data into one or more ATM cells, each ATM cell having a payload, the payload having a plurality of octets and corresponding validity fields, each validity field being associated with one octet of the plurality of octets, the validity field indicating whether the associated octet contains valid data, *wherein the control logic is configured to selectively include data in a first subset of the plurality of octets and not include data in a second subset of the plurality of octets of each ATM cell of the one or more ATM cells so that transmission of the one or more ATM cells results in transmission of the channelized circuit data at the arbitrary rate,* wherein the control logic is configured to set the validity fields associated with the first subset of the octets of the payload of each of the one or more ATM cells to a valid status to indicate that data is included in the first subset of octets, and wherein the control logic is further configured to set the validity fields associated with the second subset of the octets of the payload of each of the one or more ATM cells to an invalid status to indicate that no data is included in the second subset of octets
> control logic configured to transmit the one or more ATM cells across the ATM network;

>wherein the transmission of the one or more ATM cells effectively
results in transmission of the channelized circuit data at the arbitrary rate over the
ATM network, ***wherein the arbitrary rate is achieved by adjusting a ratio of a
number of octets in the first subset of octets to a number of octets in the second
subset of octets for each of the one or more ATM cells***

Applicants submit that VMOA and Thomann do not teach or suggest at least these features of
claim 1.

Neither VMOA nor Thomann teach or even suggest control logic "configured to
selectively include data in a first subset of the plurality of octets and not include data in a second
subset of the plurality of octets of each ATM cell of the one or more ATM cells so that
transmission of the one or more ATM cells results in transmission of the channelized circuit data
at the arbitrary rate" as recited in Applicants' claim 1. Neither VMOA nor Thomann teach or
even suggest selectively inserting data into a subset of the plurality of octets in the payload of an
ATM cell in order to achieve an arbitrary transmission rate over an ATM network.

The Office action relies on lines 1-7 of Section 1.1 of VMOA to teach that "the
arbitrary rate is achieved by adjusting a ratio of a number of octets in the first subset of octets to
a number of octets in the second subset of octets for each of the one or more ATM cells." But
the cited portion of VMOA merely indicates that the voice transport may be used to transmit
both uncompressed and compressed voice data. Section 1.1 of VMOA does not teach or even
suggest adjusting the ratio of the number of octets used to carry data in comparison to the
number of octets intentionally left empty in each ATM cell order to achieve the arbitrary rate as
recited in claim 1. Thomann fails to remedy the deficiencies of VMOA.

For at least the reasons provided, the combination of VMOA and Thomann fails
to teach or suggest all of the features recited in claim 1. Independent claims 5, 9 and 12 should
be allowable for similar reasons as claim 1. Furthermore dependent claims 2-4, which depend
from claim 1, claims 6-9, which depend from claim 5, claims 10-11, which depend from claim 9,
and claims 13-16, which depend from claim 12, should also be in condition for allowance at least
due to their dependence from claims 1, 5, 9 and 12, respectively.

Accordingly, withdrawal of the rejection of claims 1-15 under 35 U.S.C. 103(a)
be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,

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